

House Bill 242

By: Representatives Pruett of the 144th, Harden of the 28th, Everson of the 106th, Jacobs of the 80th, Sellier of the 136th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 47-2-318 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia of officers and employees of the Georgia Environmental Facilities Authority, creditable service, and contributions, so as to change the name of the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-2-318 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia of officers and employees of the Georgia Environmental Facilities Authority, creditable service, and contributions, is amended as follows:

"47-2-318.

(a) As used in this Code section, the term:

(1) 'Georgia Environmental ~~Facilities~~ Finance Authority' or 'authority' means the Georgia Environmental ~~Facilities~~ Finance Authority established by Article 1 of Chapter 23 of Title 50, known as the 'Georgia Environmental ~~Facilities~~ Finance Authority Act.'

(2) 'Officer or employee' means the executive director of the authority and any other full-time employee of the authority employed pursuant to the provisions of paragraph (5) of subsection (b) of Code Section 50-23-5.

(3) 'Proof of prior employment' means pay records, income tax withholding records, or other records of the authority or its predecessor agency which are sufficient to establish to the satisfaction of the board of trustees the prior employment record of an officer or employee of the authority.

(4) 'Predecessor agency' means the Georgia Development Authority provided for by Chapter 10 of Title 50.

(b) Effective July 1, 1988, or on the date of employment, each officer or employee of the authority shall become a member of the retirement system.

(c)(1) This subsection shall apply only to an officer or employee of the authority holding office or employed on July 1, 1988, who, prior to becoming such an officer or employee or an officer or employee of the predecessor agency, had 11 or more years of creditable service under the retirement system for which contributions to the retirement system have not been withdrawn.

(2) An officer or employee of the authority who is subject to the provisions of this subsection shall, upon furnishing proof of prior employment to the board of trustees, be eligible to receive creditable service under this retirement system for prior employment as an officer or employee of the authority or its predecessor agency, subject to the requirements of this subsection. Any such officer or employee must pay to the board of trustees the employee contributions, plus accrued regular interest thereon, which would have been paid during the period of prior employment if the officer or employee had been a member of the retirement system during such period. The authority shall be authorized to pay from any funds available to the authority the employer contributions, plus accrued regular interest thereon, which would have been paid during such period of prior employment. For a member claiming creditable service for prior employment under this subsection, the board of trustees shall determine the period of time that the payments to the board of trustees provided for under this subsection will fund as creditable service under the retirement system without creating any additional accrued liability of the retirement system. Except as otherwise provided in paragraph (3) of this subsection, the amount of creditable service so determined shall be the creditable service to which the member is entitled.

(3) The authority shall be authorized to supplement, if necessary, the payments made to the board of trustees under paragraph (2) of this subsection in an amount, as determined by the board of trustees, which will fully fund as creditable service the total amount of prior employment of the officer or employee without creating any additional accrued liability of the retirement system. If such supplement is paid to the board of trustees by the authority, the officer or employee shall receive full creditable service under the retirement system for all prior employment as an officer or employee of the authority.

(4) An officer or employee of the authority who is subject to the provisions of this subsection shall have the same membership status under the retirement system which the person had during the person's previous service as a member of the retirement system. Nothing in this subsection shall be construed to limit the right of an officer or employee

of the authority who is subject to the provisions of this subsection to retain or reestablish creditable service for previous service as a member of the retirement system.

(d) Any officer or employee of the authority who was already a member of the retirement system on July 1, 1988, and any member of the retirement system who, without any break in service, becomes an officer or employee of the authority on or after July 1, 1988, shall continue in the same membership status without any interruption in membership service and without the loss of any creditable service.

(e) Except as otherwise provided in subsections (c) and (d) of this Code section, an officer or employee of the authority becoming a member of the retirement system pursuant to the provisions of this Code section shall be subject to the provisions of Code Section 47-2-334.

(f) All employer contributions, including employee contributions made by the employer on behalf of members, which are required by this chapter shall be made for members who are subject to the provisions of this Code section from funds appropriated to or otherwise available for the operation of the ~~Georgia Environmental Facilities Authority~~ Georgia Environmental Finance Authority. The authority shall deduct from the salaries payable to such members the additional employee contributions required by this chapter.

SECTION 2.

This Act shall become effective on July 1, 2009; however, this Act shall only become effective on July 1, 2009, upon the passing of an Act to change the name of the Georgia Environmental Facilities Authority to the Georgia Environmental Finance Authority. If such Act is not passed, this Act shall not become effective and shall stand repealed in its entirety on July 1, 2009.

SECTION 3

All laws and parts of laws in conflict with this Act are repealed.